IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33145 of 2008
KRISHNA RAI
Son of Baja Rai @ Baijnath Rai, Resident of Village Bihari Chak Usari,
Police Station- Ishuapur, District – Saran. …… Petitioner
Versus
THE STATE OF BIHAR ……. Opp. Party

3 22.10.2008 Heard learned counsel for the petitioner and learned counsel for the State.

The case is under Section 302/34 of the Indian Penal Code. In the FIR eight accused persons have been named, who are said to have entered into the house of the informant in the dead of night and said to have carried away the widow Nanad of the informant from the adjoining house where she was sleeping with her (informant's) father-in-law and mother-in-law. The informant came to know in the morning that the said Nanad has been done to death by chopping of her head.

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Learned counsel for the petitioner submits that there is identical allegation against all the eight persons named in the FIR and out of them three accused persons have been granted bail by this Court vide orders dated 3.09.2008 passed in Cr. Misc. No. 28493 of 2008. He submits that the case of this petitioner is identical to that of those accused persons, who have been admitted bail by this Court. He further submits that the conduct of the informant was not natural as she claims that in the dead of night itself she saw the deceased being taken away forcibly by the accused persons but she did not inform the parents of the deceased sleeping in the same house. Neither she raised alarm in the night itself for that crime being committed by accused

persons.

Be that as it may, in view of the fact that under identical circumstances three accused persons have been enlarged on bail and no distinguishing feature has been pointed out by the learned counsel for the informant to consider the application of the petitioner differently the application is allowed. Petitioner, namely, Krishna Rai be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Chapra in connection with Marhowrah P. S. Case No. 153 of 2007.

Kundan **(J. N. Singh, J.)**

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